

COPY CORRESPONDENCE

BETWEEN THE

LORD CHANCELLOR OF IRELAND

AND

ROBERT MCCLINTOCK, ESQ., D.L., J.P.,

IN REFERENCE TO

HIS CONDUCT AS A MAGISTRATE IN SIGNING AND ISSUING A CERTAIN
PLACARD UNDER WHICH A COUNTER-DEMONSTRATION WAS
SUMMONED TO ASSEMBLE AT LONDONDERRY, ON
THE 17TH MARCH LAST.

Presented to both Houses of Parliament by Command of Her Majesty.



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COPY CORRESPONDENCE between the LORD CHANCELLOR of IRELAND and ROBERT M'CLINTOCK, Esq., D.L., J.P., in reference to his conduct as a Magistrate in Signing and Issuing a certain Placard under which a Counter-Demonstration was summoned to assemble at Londonderry, on the 17th March last.

Lord Chancellor's Secretary's Office, Four Courts,
Dublin, 26th March, 1884.

SIR,—I am directed by the Lord Chancellor to inform you that he regrets very much that it is his duty to call upon you a second time for an explanation of your conduct as a magistrate.

It appears from the papers now before him, which have been submitted to him by direction of His Excellency the Lord Lieutenant, that a meeting or demonstration of persons calling themselves Nationalists was to have assembled in the City of Londonderry on the 17th instant, in celebration of the anniversary of St. Patrick.

It appears that after this demonstration was announced a hostile meeting of persons variously described as *Loyalists of the North and Orangemen* was summoned to assemble in the city of Londonderry on the same 17th of March, under very strong and exciting placards, one of which is in the following terms:—“To the Orangemen and Loyalists of the North. Brethren,—A monster rebel demonstration is threatened in Derry on the 17th March, ‘to show that in the North the spirit of Irish Nationality is to-day triumphant.’ Baffled hitherto in every effort to obtain a foothold in this loyal province, this renewed attempt to erect the standard of rebellion on sacred historic ground must be met and counteracted. You will therefore come in your thousands to the ancient city on Monday, 17th March, and from her walls declare your firm determination to oppose treason and the dismemberment of the empire. The chair will be taken at Walker’s Pillar, at eleven o’clock, a.m. The Derry men will meet their brother loyalists from and to their trains. Robert M’Clintock, C.G.M. Londonderry, 4th March, 1884. God save the Queen.”

The danger to the public peace which was apprehended if two such meetings or demonstrations were held in the city of Londonderry on the same day caused His Excellency to proclaim and prohibit both meetings or demonstrations.

The placard which bears your name is, in the Lord Chancellor’s judgment, of such a character as to render any meeting summoned under the circumstances in which it was issued, and assembling in pursuance of it in Londonderry on the day in question, highly dangerous to the public peace.

The language of the placard is most objectionable and irritating, and it expressly states that the original demonstration or meeting is to be “met and counteracted,” and those to whom it is addressed are called on to come in thousands.

It seems to the Lord Chancellor that a gentleman who holds Her Majesty’s Commission of the Peace, as you do, should not be engaged in issuing or authorizing such placards.

The public peace has recently, at several places, been seriously invaded by similar placards having been issued on similar occasions, and by meetings which have assembled thereunder, and in the Lord Chancellor’s judgment it is full time that magistrates should know that they cannot trifle with the commission they hold by issuing or authorizing such publications.

You will be good enough at your earliest convenience to explain, if you can, the fact of your name being subscribed to the placard above set out, and if you either signed it or authorized it, how you can reconcile your conduct in so doing with your duty as a magistrate.

I am, sir, your obedient servant,

J. NUGENT LESTANGE.

Robert M’Clintock, esq., D.L., J.P., Dunmore, Carrigara.

Dunmore,
29th March, 1884.

SIR,—I beg to acknowledge the receipt of two communications from the Lord Chancellor, referring, the one to the occurrences of the 1st November, the other to the 17th of March. Owing to the length of these documents, and the number of points raised in them, I must request a few days time in which to frame a reply.

I remain, Sir, your obedient Servant,

ROBERT M’CLINTOCK.

Dunmore,
14th May, 1884.

SIR,—I beg leave to acknowledge the receipt of your letter dated the 26th March last, in the posting or transmission of which there was considerable delay, and my answer to which has been still further postponed with a view to having the other correspondence that has been passing between us previously completed. In reply to the request at the conclusion of your letter, I have to state for the information of the Lord Chancellor that I signed and authorized the publication of the placard to which you refer; and, in obedience to his Lordship’s invitation, I shall now proceed to explain the fact of my having done so, and to show how I reconcile my conduct in this respect with my duty as a magistrate. Although his Lordship has only recently become a member of the Irish Government, he is probably aware, from the ordinary sources of information, that Ireland has been for the last few years the scene of a widespread and exceptional agitation. It commenced in the beginning of 1880 with the formation of what was called the Land League, and it has been carried on by affiliated or kindred associations throughout the country, by meetings at which the tenets of the League were violently proclaimed, and by a system of intimidation directed against all who were not prepared to yield to its dictation. Its objects, as repeatedly and unequivocally avowed by its leaders, were not only to introduce into our present social system changes of a revolutionary character, and to repeal the legislative union of Great Britain and Ireland, but also to separate this country from the Queen’s dominions, and to constitute it a distinct and independent

state. Its results were a rapid spread of crime and outrage, an extensive reputation of anarchy, and a general development of lawlessness and anarchy.

That I have not overrated the poisonous nature of this agitation may be proved by a reference to the measures which the Government took to counteract it. Before the close of 1880 a prosecution for sedition was brought against its leaders. Early in 1881 the then Chief Secretary applied to Parliament for special powers to combat it. In the autumn of the same year the Land League was declared illegal by the Executive, its most prominent members were arrested under warrants alleging that they were suspected of treasonable practices, and public meetings for the purpose of proclaiming its principles were no longer permitted. Shortly afterwards the association changed its name to that of the National League, but under its new designation it still continued to be subjected to the same stern measures of repression. In 1882 the Legislature conferred yet stronger powers on the Irish Executive, and these powers were unsparingly used during that and the following year.

During all this period the agitation had not extended beyond three of the Irish provinces, but it was boldly stated by the agitators that in those three provinces their doctrines met with universal, or almost universal, acceptance. There was much to support this statement. Whether the cause was fear or sympathy, no counter voice of protest had been heard in the parts of the country where the organization was active, and statements publicly deplored the cowardice or apathy which seemed to have taken possession of law-abiding Irishmen.

In last September the National League made a new point of departure. It ostentatiously announced that it would commence a campaign in Ulster, which had been theretofore free from its operations; and it boasted that before long it would introduce into the North the same spirit that was predominant in the rest of Ireland.

A series of meetings for the purpose of carrying out this object was projected; but the loyal inhabitants of Ulster, who, I am glad to say, preponderate, not merely in numbers, but also in intelligence, industry and public spirit, determined that such an attempt would not be made without a vigorous protest. They resolved that when a meeting would be convened by the National League they would endeavour to counteract its baneful tendencies, not by offering it any physical resistance, but by the moral effect of a great counter-demonstration. Counter-demonstrations of this kind must, to be effectual, correspond closely, as regards both time and place, with the rival meetings. It is thus alone that their relative weight can be estimated; and indeed men engaged in industrial avocations can only come together on national or local holidays—the seasons usually selected by the League for its assemblies.

In pursuance of this policy—a policy which had been directly encouraged by previous utterances of eminent statesmen, and which, until your letter of the 28th March, has not, as far as I am aware, met with a word of official disapproval—whenever the Nationalists announced a meeting in the North, a meeting of protest was summoned on the same day and in the same neighbourhood. The latter meetings were called together by placard and advertisement, in which the original demonstration was described as rebel or rebellious, and loyal men were exhorted to attend in overwhelming numbers, and thus counteract any attempt to introduce into Ulster the revolutionary and treasonable doctrines of the League. The placard to which you refer as published by me before the 17th March, was in every respect similar to placards and advertisements signed and issued by gentlemen of position, holding the commission of the peace, before the meetings at Dungannon, Bankeel, and Drogheda, and before the projected meetings at Newry, Castlewellan, and other places. If the language of my placard is objectionable and irritating, these other placards and advertisements were open to the same charge. Some of the meetings to which I have alluded were prohibited, in which case those who called themselves loyalists, unlike the Nationalists, gave a willing obedience to the Lord Lieutenant's proclamation. In other cases the meetings were duly held, and what I have described as the counter-demonstrations were attended by immense numbers of respectable citizens, representing every rank and class. Although these meetings, the placards calling them, and the speeches delivered at them, must have been well known to the Executive, there came no sign of disapproval. On the contrary, I find in a correspondence that passed between the Lords Commissioners for the custody of the Great Seal and Lord Rossmore that their Lordships expressly recognized the right to converse and hold the Bankeel meeting. Still later Colonel Knox, after having summoned, by advertisement similar to my placard, a counter-demonstration at Drogheda, brought the matter to the notice of the Lord Lieutenant in a letter which referred to the Nationalist meeting as rebel, and described its object in language even more "objectionable and irritating," yet he was not, as far as I am aware, visited with any censure.

Such was the position of affairs, when an advertisement headed "monster demonstration," and signed "God save Ireland," was published, announcing a demonstration on Patrick's Day, with the object of showing that in the North of Ireland the spirit of Irish nationality is to-day triumphant. It proclaimed that "once more shall the green banner, which often led to victory in the past, be unfurled in Ulster; and once more, in the province in which the O'Neills and O'Donnells signalized themselves by deeds of valour, shall Irishmen prove to the world that the Black North remains steadfast in the principles taught by patriots of the past and present."

On reading this document a large number of the loyal inhabitants of Derry conceived that they were bound to show, in the same manner as had been previously employed in Ulster, that they repudiated principles which must be regarded as treasonable and seditious, and I, as a gentleman of local influence, was requested to summon a meeting for this purpose.

I was of opinion that I ought to do so, I followed precedent in my placard. I called the monster demonstration rebel, because I had no doubt it was so, and because the same description has been publicly and repeatedly applied, without reproach, to similar assemblies by gentlemen of the highest honour, intelligence, and position. I exhorted loyal men to attend the proposed meeting in their thousands, as I believed I had a right to do. I stated that the object of their so attending was to declare their firm determination to oppose treason and the dismemberment of the empire, an object which is certainly not objectionable and ought not to be irritating.

I observe that you fall into an error of fact in referring to the language of my placard. You say that it expressly states that the original demonstration or meeting is to be met and counteracted. "To meet and counteract a meeting" may, perhaps, be an ungrammatical mode of expressing that the meeting is to be forcibly resisted; but to meet and counteract the object of a meeting is a very different thing, and this is the plain meaning of my words. The advertisement calling the original demonstration indicates as its object the unfurling of the green banner, which the accompanying reference to well-known rebels and attainted traitors makes synonymous with the standard of rebellion. I said that the attempt to erect this standard ought to be met

and counteracted; and I believe that everyone who read the document understood it to mean that this was to be effected not by physical force but by moral influence.

In asking a counter-meeting to assemble, I admit that it was necessary for me to consider whether the public peace would be thereby endangered. I know that when a number of persons come together there is always a chance of some disturbance; but beyond the risk which must exist in connexion with all large assemblies, and which would be an argument against holding any public meeting, I was convinced that there was no danger.

The grounds for this conviction were:—

First.—The character of the persons who would compose the meeting. It may not be known to the Lord Chancellor, but it is an undoubted fact, that the thousands who met in counter-demonstrations at Dungannon, Rosslea, and Dromore, were the very best specimens of farmers and artisans to be found in their respective districts. All who know them have admitted that, taking them as a body and judging them by their general course of life and conduct, by their depth and earnestness of character, and by their cultivation of the arts of peace and industry, they would be an honour and credit to any country.

I know that the same class would form the assembly at Walker's Filar, and men of this kind are as little likely themselves to commit acts of violence as to be made the object of attack by others.

Secondly.—The place where the counter-meeting was to be held was so separated, and at such a distance from the Lone Moor—the locality appointed for the original demonstration—as to render even an accidental collision most improbable.

Thirdly.—The other meetings to which I have referred, held under conditions much more likely to lead to disturbance, were not attended, as far as I am aware, with any breach of the peace.

These considerations convinced me that there was no danger; and if the Lord Chancellor differs from me on this point—I ask him to remember that although my judgment and discretion are much inferior to his, my intimate knowledge of the locality and people affords me better means of forming a sound opinion.

Having now concluded my statement I have only to express my regret that I have been obliged to trespass at such length on His Lordship's attention. This could not, however, be avoided; your letter seems to assume that a meeting, innocent in its character and lawful in its object, having been convened, I proceeded wantonly and without precedent or justification, regardless of the public peace and the feelings of my fellow-subjects, to summon a counter-demonstration. To vindicate my conduct it was necessary for me to correct this impression. I have, accordingly, been obliged to show that those transactions in Derry were but incidents in a long course of events; and that my action must be viewed by the light of antecedent and surrounding circumstances.

I feel confident, when these circumstances are considered, that my conduct will assume a very different complexion from that placed on it in your communication, and that in assisting the loyal inhabitants of Londonderry to offer a firm and solemn protest against an agitation that is both criminal and pernicious, I shall be regarded as having done nothing unbecoming my position as a magistrate or law-abiding subject of the Queen.

I am, sir, your obedient servant,

ROBERT MCCLINTOCK.

J. Nugent Lestaigne, Esq.

Four Courts, Dublin,
15th May, 1884.

SIR,—I have to acknowledge the receipt of your letter of the 14th instant, which I shall submit for the Lord Chancellor's consideration at the earliest opportunity.

I am, sir, your obedient servant,

J. NUGENT LESTAIGNE.

Robert McClintock, Esq., D.L., &c.

Lord Chancellor's Secretary's Office, Four Courts,
Dublin, 3rd June, 1884.

SIR,—I am directed by the Lord Chancellor to acknowledge your letter of the 14th instant in reply to that which I addressed to you by his Lordship's direction on the 28th March last, in reference to the posting or transmission of which I met, however, say you are in error in supposing there was any delay, as by reference to the correspondence you will perceive that my letter is dated the 28th March, and that its receipt was acknowledged by you on the 29th March. I am further directed to state that the Lord Chancellor cannot enter upon the vast majority of the topics adverted to in your letter, as he does not consider that any discussion respecting them could advance the consideration of the matters upon which he requested your explanation. This was advisedly limited to the fact that the counter-demonstration was summoned by you, a magistrate, by means of a placard which, in the Lord Chancellor's judgment, was of a most irritating character, and framed in language provocative of attack upon those whose meeting was to be opposed.

The Lord Chancellor feels bound to say that after the most careful consideration of all you say in your letter, and making every allowance for the feelings of yourself and of those of whom you become the exponent upon the occasion in question, he cannot in any way alter the opinion he formed as to the placard and its meaning, and there was, in fact, no error in the words quoted from that placard in my letter of the 28th March. The very conditions which you lay down for your counter-demonstration seem to him to strongly enforce the meaning he placed upon it—the grave objections which exist against such a publication being made by a Magistrate—and the danger incident to immense numbers of persons meeting thereunder.

The Lord Chancellor did not mean to convey that you ever intended an attack upon the hostile meeting by force, but he must say that he deems it entirely unallowable for a Magistrate to make use of language which can be construed to have that meaning. He is clear that the placard in question is capable of such a construction, and he is by no means certain that the unfortunate breaches of the peace at Dromore, where bodies of Orangemen escaped the control of their leaders and attacked the Roman Catholic party, were not mainly owing to the language of the placards under which the counter-meeting was convened.

If the correspondence of the Lords Commissioners for the custody of the Great Seal with Lord Rosemore to which you refer is examined, you will find the conduct of Magistrates in relation to counter-demonstrations very plainly defined, and there is certainly nothing in it, in the remotest degree, warranting the notion that Magistrates are justified in holding a counter-demonstration close to the place of the meeting to which it was opposed, or calling such meeting under exciting or ambiguously worded placards.

The Lord Chancellor is aware that before your placard was published others of a similar character had been used, and the circumstance that no official notice had been taken of them is, perhaps, not unreasonably put forward by you as an excuse.

The Lord Chancellor really thought that all men of sober judgment, but Magistrates in an especial degree would, after the events of the Dromore meeting were manifest, abstain from pursuing a line of conduct which would be likely to have similar results, and he must candidly say that he was much surprised to find your name attached to such a placard as that issued by you in Derry on the 17th March last. The Lord Chancellor has little doubt that but for His Excellency's proclamation, the two hostile meetings in Londonderry would have ended in such a way as to cause regret to every law-abiding and reasonable person. Although the actual places of the two meetings were apart, who could calculate the risk of collision in bodies of men going and returning therefrom, a risk enormously increased by the exciting language of the placards under which those who would have composed the counter-demonstration assembled and moved.

In conclusion the Lord Chancellor must repeat that, in his opinion, Magistrates should not be parties to or connected with the issuing of such placards as that of yours of the 17th March last, and he will unhesitatingly abide by that opinion, which it will be his bounden duty henceforward to enforce against all Magistrates who may disregard it.

I am, sir, your obedient servant,

J. NUGENT LEITCHER.